

**quinn emanuel trial lawyers | miami**

2601 S. Bayshore Drive, Suite 1550, Miami, Florida 33133-5417 | TEL (305) 402-4880 FAX (305) 901-2975

WRITER'S EMAIL ADDRESS  
**kirstennelson@quinnemanuel.com**

March 16, 2025

**VIA ECF**

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: United States v. Charlie Javice and Olivier Amar, 23 Cr. 251 (AKH)

Dear Judge Hellerstein:

Olivier Amar's counsel promised the Court nearly a month before trial began that they would elicit evidence that "Ms. Javice misled not only the alleged victims in this case, the two banks, but also Mr. Amar . . . and [argue that] for the same reason the government is saying that [the jury] should convict [Ms. Javice] for having deceived all of those people, [the jury] should find that she deceived [Mr. Amar] as well. . . ." 01/23/2025 Tr. 27:10-12, 28:1-4. They have not disappointed.

With every witness, Mr. Amar's counsel has been a second prosecutor, eliciting evidence that allegedly shows that Ms. Javice "tricked JP Morgan, another bank, [and] an investment adviser that was advising Frank," making Mr. Amar "a pawn in this and a victim" of her purported fraud. 01/23/2025 Tr. 27:18-20, 28:2-5. During government witness Mason Young's cross examination, Mr. Amar's counsel developed sixteen lines of questioning thereby eliciting testimony that supports the government's theory that a fraud *was* committed. But, Mr. Amar's counsel pins it solely on Ms. Javice. 03/13/2025 Trial Tr. 2236:10-16, 2241:21-2242:1, 2252:4-2253:4, 2253:6-10, 2253:11-2254:16, 2255:4-2255:22, 2255:23-2256:7, 2256:15-2257:19, 2257:20-2258:1, 2258:2-2259:12, 2259:14-2259:24, 2259:25-2260:24, 2264:12-2264:24, 2266:10-2267:24, 2268:9-2268:25, 2280:22-2281:9. Meaning the jury has heard twice through every witness—once from the government and then echoed by Mr. Amar—that Ms. Javice is guilty. *See United States v. Shkreli*, 260 F. Supp. 3d 247, 256 (E.D.N.Y. 2017) (granting severance). Mr. Amar's

**quinn emanuel urquhart & sullivan, llp**

ABU DHABI | ATLANTA | AUSTIN | BEIJING | BERLIN | BOSTON | BRUSSELS | CHICAGO | DALLAS | DOHA | HAMBURG | HONG KONG | HOUSTON | LONDON | LOS ANGELES | MANNHEIM | MIAMI | MUNICH | NEUILLY-LA DEFENSE | NEW YORK | PARIS | PERTH | RIYADH | SALT LAKE CITY | SAN FRANCISCO | SEATTLE | SHANGHAI | SILICON VALLEY | SINGAPORE | STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | WILMINGTON | ZURICH

inflammatory questioning will continue to compound the prejudice to Ms. Javice, crescendoing to his case-in-chief.

Additionally, during the January 23, 2025 pretrial hearing on Ms. Javice's motion to sever, the Court permitted Mr. Amar's counsel to make an *in camera* proffer about the contours of his antagonistic defense. This was done outside the presence of Ms. Javice's defense counsel. The same day, the Court sealed the relevant portions of the transcript, preventing Ms. Javice's counsel from uncovering the extent of Mr. Amar's antagonistic defense. On March 5, 2025, upon Ms. Javice's counsel's motion, the Court unsealed the transcript, but allowed Mr. Amar's counsel to redact certain portions. The transcript, which Ms. Javice received on March 9, remains redacted. This is despite Mr. Amar being on full notice of Ms. Javice's anticipated trial defense. The sealing procedure and redactions are a violation of Ms. Javice's due process right to a fair trial and impair her right to present a defense. Thus, Ms. Javice respectfully requests the Court order the transcript unredacted and produced to her.

Forcing Ms. Javice to wage "a defense on two fronts, in a single trial, before the jury," *Shkreli*, 260 F. Supp. at 257, constitutes "legally cognizable prejudice" denying her a constitutionally fair trial, *Zafiro v. United States*, 506 U.S. 534, 539 (1993). For these reasons, Ms. Javice respectfully renews her motion for a mistrial and severance.

Respectfully submitted,

/s/ Kirsten R. Nelson

Kirsten R. Nelson\* (*pro hac vice*)

2601 South Bayshore Drive, Suite 1550

Miami, FL 33133

Telephone: (305) 402-4880

kirstennelson@quinnemanuel.com

\* Not admitted in Florida. A member in good standing in Maryland and the District of Columbia.

cc: All Counsel of Record